

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWIN VON SEVRENCE,

Petitioner,

vs.

STATE OF NEVADA

Respondent.

Case No. 3:11-CV-00395-LRH-(VPC)

ORDER

Petitioner, who is in the custody of the Nevada Department of Corrections, has submitted a notice of appeal (#1), purporting to appeal a decision of the Nevada Supreme Court to the United States Court of Appeals for the Ninth Circuit. Two problems exist. First, petitioner has neither paid the filing fee nor submitted an application to proceed in forma pauperis. Second, neither this court nor the United States Court of Appeals for the Ninth Circuit have jurisdiction to consider an appeal from a state court. If petitioner is challenging the constitutionality of a state-court judgment of conviction, then he needs to file in a new action a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973).

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1 IT IS THEREFORE ORDERED that the clerk of the court shall send petitioner a petition for
2 a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions.

3 IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice for lack of
4 jurisdiction. The clerk of the court shall enter judgment accordingly.

5 DATED this 13th day of June, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE